

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

ANNETTE BAKAY and RICHARD BAKAY,  
husband and wife,

Plaintiffs,

vs.

LAURIE A. YARNES, et al;

Defendants.

Case No.: C04-5803

**STIPULATED MOTION AND AGREED  
ORDER DISMISSING DEFENDANTS  
CLALLAM COUNTY, TRACEY KELLAS,  
AND LAURIE YARNES, AND  
DISMISSING THE MALICIOUS  
PROSECUTION COUNTERCLAIMS OF  
TRACEY KELLAS AND LAURIE  
YARNES WITH PREJUDICE AND  
WITHOUT FEES, COSTS, OR  
SANCTIONS**

**Noting Date: January 5, 2006**

***Clerk's Action Required***

**I. MOTION FOR STIPULATED DISMISSAL**

COME NOW Defendants Clallam County, Tracey Kellas, and Laurie Yarnes, and the marital communities of Tracey Kellas and John Doe Kellas, and Laurie Yarnes and John Doe

STIPULATED MOTION AND AGREED  
ORDER OF DISMISSAL PERTAINING  
TO DEFENDANTS CLALLAM COUNTY,  
YARNES, KELLAS [CV04-5803 RJB] - 1

LAW OFFICE OF ADAM P. KARP  
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Yarnes, and Plaintiffs Annette and Richard Bakay, by and through their respective attorneys of record and stipulate to the following:

1. There is no independent claim for violation of the Washington State Constitution in this matter and any such claim was brought under the Section 1983 cause of action and was disposed of by prior court ruling under that federal statute.
2. Clallam County, Tracey Kellas, and Laurie Yarnes dismiss with prejudice and without fees or costs their malicious prosecution counterclaims.
3. Defendants Clallam County, Tracey Kellas, and Laurie Yarnes abandon their pending motion for sanctions on all bases (inherent court authority, court rule, or statute), including costs and fees.
4. Plaintiffs agree not to appeal any court ruling pertaining to Defendants Clallam County, Tracey Kellas, and Laurie Yarnes, provided that they may still appeal court rulings pertaining to the other named defendants.
5. This stipulation is not intended to operate for the benefit of any other defendant.

This motion is noted for same day consideration under LR 7(d)(1).

DATED this January 5, 2006.

LEE SMART COOK MARTIN & PATTERSON, P.S., INC.

By: /s/ Charles P.E. Leitch  
Charles P.E. Leitch, WSBA No. 25443  
Of Attorneys for Defendants Yarnes, Kellas, and Clallam Cy.

STIPULATED MOTION AND AGREED  
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YARNES, KELLAS [CV04-5803 RJB] - 2

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By: /s/ Adam Karp  
Adam P. Karp, WSBA No. 28622  
Of Attorneys for Plaintiffs

**II. ORDER**

IT IS SO ORDERED.

Dated this 6<sup>th</sup> day of January, 2006.



ROBERT J. BRYAN  
United States District Judge

STIPULATED MOTION AND AGREED  
ORDER OF DISMISSAL PERTAINING  
TO DEFENDANTS CLALLAM COUNTY,  
YARNES, KELLAS [CV04-5803 RJB] - 3

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